



INTERIOR BOARD OF INDIAN APPEALS

Pima Country Club, Inc. v. Acting Phoenix Area Director, Bureau of Indian Affairs

21 IBIA 70 (11/27/1991)

Denying reconsideration of:
21 IBIA 33



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

PIMA COUNTRY CLUB, INC.,
Appellant

v.

PHOENIX AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Denying Petition for
: Reconsideration
:
:
: Docket No. IBIA 90-109-A
:
:
: November 27, 1991

Appellant Pima Country Club, Inc., has petitioned for reconsideration of a decision issued by the Board of Indian Appeals (Board) on October 24, 1991. 21 IBIA 33. In that decision, the Board affirmed the finding of the Phoenix Area Director, Bureau of Indian Affairs, that appellant could not invoke the renewal clause of business lease No. B-45 on the Salt River Pima-Maricopa Reservation because it was in breach of the lease at the expiration of the initial term of the lease.

Appellant contends that it has been improperly dispossessed of its leasehold interest, leasehold improvements, and personal property; and that the Board did not give appropriate consideration to the Federal policy favoring arbitration and certain statutes, deprived appellant of due process by failing to order an evidentiary hearing, and failed to interpret "gross receipts" properly.

Under 25 CFR 4.315(a), "[r]econsideration of a decision of the Board will be granted only in extraordinary circumstances." The Board has held that extraordinary circumstances are not present when the issues raised in the petition were considered when the initial decision was issued. It has also held that it will not consider arguments raised for the first time in a petition for reconsideration. See, e.g., Dahl v. Assistant Portland Area Director, 21 IBIA 2 (1991), and cases cited therein.

All of appellant's arguments fall into one or the other of the above categories. Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this petition for reconsideration of the Board's October 24, 1991, decision is denied.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge